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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 KATHRYN E. NIXON,

9 Plaintiff,

10 v.

11 FRANCISCAN HEALTH SYSTEM, et
12 al.,

13 Defendants.

CASE NO. C11-5076BHS

ORDER DECLINING
SUPPLEMENTAL
JURISDICTION AND
DISMISSING ACTION

14 This matter comes before the Court on Defendant Atif Mian's motion to decline
15 supplemental jurisdiction. Dkt. 74. The Court has considered the pleadings filed in
16 support of and in opposition to the motion and the remainder of the file and hereby grants
17 the motion for the reasons stated herein

18 On March 12, 2012, the Court issued an order granting Defendant Franciscan
19 Health System's ("Franciscan") motion for summary judgment and dismissing all claims
20 asserted by Plaintiff Kathryn E. Nixon against Franciscan. Dkt. 64. On March 28, 2012,
21 Mian filed the instant motion to decline supplemental jurisdiction.
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1 In Mian's motion, he asks that the Court decline to exercise supplemental
2 jurisdiction over Nixon's sole remaining state law claim for battery alleged against Mian.
3 Dkt. 74. Nixon argues that the Court should certify its order granting summary judgment
4 as a final judgment under Rule 54(b) of the Federal Rules of Civil Procedure to be
5 appealed to the Ninth Circuit and stay the remaining claim against Mian pending the
6 appeal. *See* Dkts. 76 & 77. The effect of the positions taken by the parties is that neither
7 seeks a retention of the current trial date in this Court.

8 Accordingly, the Court concludes that judicial efficiency and the interests of
9 justice, as well as the parties, are best served by the Court declining to exercise
10 supplement jurisdiction over the state law battery claim alleged against Mian and
11 dismissing this action.

12 Therefore, it is hereby **ORDERED** that Mian's motion to decline to exercise
13 supplemental jurisdiction (Dkt. 74) is **GRANTED**, and this action is **DISMISSED**.

14 Dated this 10th day of April, 2012.

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BENJAMIN H. SETTLE
United States District Judge